

Order

Michigan Supreme Court
Lansing, Michigan

September 16, 2009

Marilyn Kelly,
Chief Justice

139565 & (24)(25)

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 139565
COA: 293208
Genesee CC: 89-042246-FC

ROBERT LAMONTE WALKER,
Defendant-Appellee.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the August 26, 2009 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the Genesee Circuit Court's July 22, 2009 order granting the defendant's motion for resentencing. An error in scoring the judicial guidelines does not provide a basis for appellate relief. *People v Raby*, 456 Mich 487, 496 (1998). As such, the defendant's former appellate counsel was not ineffective and the defendant is not entitled to be resentenced. The motion for stay is DENIED.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 16, 2009

Clerk